

EOD 12-20-00

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED-CLERK
U.S. DISTRICT COURT
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TX EASTERN-BEAUMONT
BY Brenda Carter

GUSTAVO JULIAN GARCIA,	§	
Petitioner,	§	
v.	§	Civil Action No. 1:99 cv 134
GARY JOHNSON, DIRECTOR,	§	
TDCJ-ID,	§	
Respondent.		

AMENDED ORDER

This matter comes before the Court *sua sponte*. On September 11, 2000, this Court granted in part Petitioner Gustavo Julian Garcia's ("Garcia's") petition for a writ of *habeas corpus*, filed on August 23, 1999, and supplemented on August 16, 2000. The Court finds that it is in the interest of justice to clarify the requirements this Court is imposing upon the Respondent.

IT IS THEREFORE ORDERED that a writ of *habeas corpus* issue to the Respondent, directing him to release Garcia from his custody unless the State of Texas, within 180 days from the date of entry of this Order, commences proceedings to retry the question of punishment. The other claims in Garcia's Petition are dismissed without prejudice.

SIGNED this 19th day of December, 2000.


HON. THAD HEARTFIELD
UNITED STATES DISTRICT JUDGE